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GOVERNMENT OF KERALA

Local Administration & Social Welfare (Municipal Special) Department

NOTIFICATION

No. 37466/MI/Spl. 1/77/LA&SWD. *Dated, Trivandrum, 12th September* 1977.

The following draft of certain amendments to the Kerala Panchayats (Election of members) Rules, 1962 issued under G. O. MS. 795/62/DD dated the 22nd October 1962 and published as S. R. O. No. 311/62 in the Kerala Gazette Extraordinary No. 148 dated the 22nd October 1962, which the Government of Kerala propose to make in exercise of the powers conferred by sections 6, 11 and 129 of the Kerala Panchayats Act, 1960 (32 of 1960), is hereby published for general information as required by sub-section (2) of section 130 of the said Act.

Notice is hereby given that the said draft will be taken up for consideration on or after 24-9-1977 and that any objection or suggestion which may be received by Government in respect of the said draft before the date specified above will be considered by the Government. Objections and suggestions shall be addressed to the Special Secretary to Government, Local Administration & Social Welfare Department, Secretariat, Trivandrum.

AMENDMENTS

In the said Rules,—

1. In rule 10, in sub-rule (1) for clauses (c), (d), (e), (f) and (g) the following shall be respectively substituted, namely:—

"(c) the seat or seats if any, reserved for Scheduled Castes and Scheduled Tribes and for women;

(d) the last date for making nominations, which shall be the seventh day after the date of publication of the notice in Form I or, if that day is a public holiday, the next succeeding day which is not a public holiday.

(e). The date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that date is a public holiday, the next succeeding day which is not a public holiday.

(f). The last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nomination or, if that day is a public holiday, the next succeeding day which is not a public holiday.

(g) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and the hours during which the poll will be open, not being less than nine hours between 7 a. m. and 5 p.m."

2. In rule 12, para 2 of sub rule (5) the following shall be substituted, namely:—

In the case of a ward reserved for Scheduled Castes and Scheduled Tribes, the candidate for that ward shall give a declaration specifying the particular caste or tribe of which he is a member.

3. in rule 14 in sub rule (4) the words "divided by the number of members to be elected" shall be omitted.

4. rule 17 shall be omitted.

5. in rule 19, in sub-rule (2)—

(i) clause (b) shall be omitted.

(ii) in clause (d), the brackets and letter "(b)" shall be omitted.

6. in rule 21, the words "where there is no reserved seat and" shall be omitted.

7. rules 22 and 22A shall be omitted.

8. in rule 30.

(i) for sub rule (3) the following shall be substituted, namely:—

"(3) The Returning Officer shall at the same time—

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that, elector is not allowed to vote at a polling station".

(ii) after sub rule (4) the following shall be inserted as sub-rule (5), namely:—

"(5) the Returning Officer shall seal up in a packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed".

9. after rule 31 the following rule shall be inserted as rule 31A namely:—

"31A. *Re-issue of postal ballot papers.*—(1) When a postal ballot paper and other papers sent under rule 30 are, for any reason, returned undelivered, the returning officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with ballot paper or any of the other papers sent to him under rule 30 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the returning officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers to returned and keep them in a separate packet after noting thereon the particulars of the election and serial numbers of the cancelled ballot papers".

10. for rule 35, the following shall be substituted, namely:—

"35. *Form of ballot papers.*—(1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in Form IX, and the particulars therein shall be in such language or languages as the Election Authority may direct. The ballot papers shall be serially numbered. The number assigned to the ballot paper and conterfoil shall be the same.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner".

11. for rule 40, the following shall be substituted, namely,—

"40. *Issue of ballot papers to electors.*—(1) Every ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Election Authority may direct, and every ballot paper before it is issued, shall be signed in full on its back by the presiding officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall—

(a) record on its counterfoil the electoral roll number of the elector, as entered in the marked copy of the electoral roll; and

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector.

(3) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors".

12. in rule 41,

(i) in sub-rule (1), in clause (b) the words "or marks" shall be omitted;

(ii) after sub-rule (3), the following sub-rules shall be inserted, namely:—

"(4) If an elector to whom a ballot paper has been issued, refuses, after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (1), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the presiding officer or a polling officer under the direction of the presiding officer.

(5) After the ballot paper has been taken back, the presiding officer shall record on its back the words "cancelled: voting procedure violated" and put his signature below those words.

(6) All the ballot papers on which the words "Cancelled: Voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".

(7) Without prejudice to any other penalty to which an elector, from whom a ballot paper, has taken back under sub-rule (4) may be liable, the vote if any, recorded on such ballot paper shall not be counted".

13. for rule 42 the following shall be substituted, namely:—

"42. *Recording of votes of blind or infirm electors.*—(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the campanion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the campanion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record of all such instances in Form XA".

14. in rule 43—

(i) in sub-rule (1), the words "and the counterfoil of such ballot paper" shall be inserted between the words "ballot paper so returned" and "shall be marked;"

(ii) in sub-rule (2), the words "and the counterfoil of such ballot paper" shall be inserted between the words "ballot paper so returned" and "shall be marked".

15. in rule 44 for sub-rule (3), the following shall be substituted, namely:—

"(3), A tendered ballot paper shall be the same as the other ballot paper used at the polling station, except that—

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station, and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him".

16. Rule 47 shall be renumbered as sub-rule (1) of the said rule and after that rule as so renumbered the following shall be inserted as sub-rule (2), namely:—

"(2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefor and shall also attest it as a true copy".

17. for rule 48 the following shall be substituted, namely:—

"48. Sealing of other packets, (1) The Presiding Officer shall then make into separate packets—

(a) the marked copy of the electoral roll;

(b) the counterfoils of the used ballot papers;

(c) the ballot papers signed in full by the presiding officer under sub-rule (1) of rule 40 but not issued to voters;

(d) any other ballot papers not issued to voters;

(e) the ballot papers cancelled for violation of voting procedure under rule 41;

(f) any other cancelled ballot papers;

(g) the cover containing the tendered ballot papers and the list in Form XI;

(h) the list of challenged votes; and

(i) any other papers directed by the Election Authority or Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and with the seals either of the candidates or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon".

18. in rule 57 in sub-rule (2)—

(i) clause (c) shall be omitted;

(ii) the word 'and' at the end of the second proviso shall be omitted.

(iii) the third proviso shall be omitted.

19. in rule 61 in sub-rule (8), clause (b) shall be omitted.

20. in rule 63 the words 'or candidates' and 'or have' shall be omitted.

21. in Form I, for the Note, the following Note shall be substituted:—

"Note:. (i) Ward.................................is reserved for Scheduled Castes and Scheduled Tribes.

(ii) Ward.................is reserved for Women"

22. in Form IV, the sentence, 'The candidate whose name is marked with an asterisk is a member of a Scheduled Caste or Tribe' shall be omitted.

23. in Form VIIIB, in Part I,

(i) in clause (a), the words 'two/three' shall be omitted;

(ii) for clause (b), the following shall be substituted, namely:—

"(b) you have only one vote"

(iii) in clause (c), the words "two candidates/three candidates" shall be omitted.

24. for Form IX the following shall be substituted, namely:—

FORM IX

(*See* Rule 35)

Specimen form of ballot paper

Counterfoil
Coat of Arms..................Panchayat   Ward No..............
Electoral Roll Part No..............
Serial No. of Elector:
Number..................

Coat of Arms......................Panchayat (Symbols)   Ward No...........
Name of Candidates
Number............

25. after Form X, the following form shall be inserted, as Form XA namely:—

FORM XA

(*See* Rule 42)

..............................Polling Station.........................
Ward.............................. Panchayat

List of Blind and Infirm Voters

Number of the elector on the electoral roll	*Full name of elector*	*Full name of companion*	*Address of companion*	*Signature of companion*

Date: Signature of Presiding Officer.

26. for Form XII, the following shall be substituted, namely:—

FORM XII

(*See* Rule 47)

Ballot Paper Account

Election to the..............from the..........................

No. and name of polling station:

	Serial Numbers	*Total Numbers*
1. Ballot papers received		
2. Ballot papers unused:		
(a) with the signature of the presiding officer, if any, and		
(b) without the signature of the presiding officer		
3. Ballot papers issued to voters		
4. Ballot papers cancelled:—		
(a) for violation of voting procedure under rule 41, and		
(b) for any other reason		
5. Ballot papers used as tendered ballot papers		

Date: Signature of Presiding Officer.

By order of the Governor,
N. GOPALAKRISHNAN NAIR,
Special Secretary.

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